Northwest Territories Aboriginal Affairs and Intergovernmental Relations

Department of Aboriginal Affairs and Intergovernmental Relations

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Interim Land Withdrawal Agreement - 2/11/2006

YELLOWKNIFE (2 November 2006) - The Akaitcho Dene First Nations (ADFN) and the Government of the Northwest Territories (GNWT) have reached a land withdrawal that will allow the parties to continue making progress towards an agreement on land, resources and self-government.

The ADFN and the GNWT have agreed on a five-year withdrawal of 1034 hectares of Commissioner's Land within the City of Yellowknife, to protect these lands from being sold or leased while negotiations are underway. This agreement will also remove the legal uncertainty around the development of municipal lands within the City of Yellowknife thereby allowing the City to better manage development pressures.

NWT Premier Joseph Handley said that by working together the parties were able to reach an agreement that will benefit all northerners. "The ability of the GNWT and the Akaitcho Dene First Nations to reach agreement on this matter bodes well for further discussions in the Akaitcho process negotiations. I am pleased that we are making progress and I am relying on all of the parties to keep up the good will as we enter into the challenging negotiations that lie ahead."

Ndilo Chief Fred Sangris says "The City of Yellowknife was built on the traditional lands of the Yellowknives Dene, which at one time were rich hunting grounds. This area has been changed forever, but with an interim land withdrawal, specific areas will be protected from further development while negotiations continue."

The Interim Land Withdrawal Agreement is consistent with the objectives set out in the Interim Land Withdrawal Protocol signed by negotiators for the ADFN, the GNWT and the Government of Canada on November 21, 2005 as part of the Akaitcho Process negotiations on land, resources and governance.

This protocol provides for the negotiation of arrangements for the "flexible withdrawal" of some withdrawn lands. A "flexible withdrawal would allow for the ADFN to acquire some withdrawn Commissioner's Lands prior to the effective date of an Akaitcho agreement.

"Canada's negotiation team has supported efforts by the Akaitcho and the Government of the Northwest Territories to find a mutually agreeable solution to issues surrounding Commissioner's lands within the city of Yellowknife. I applaud the hard work of all parties and look forward to renewed progress in the Akaitcho Process negotiations towards an agreement in principle," said the Honourable Jim Prentice, Minister of Indian and Northern Affairs in support of this agreement.

The Interim Land Withdrawal will protect identified lands from being sold or leased during the course of negotiations. This means that no new interests can be created on the withdrawn lands for a period five years or until a final agreement is reached, whichever comes first. It also ensures that any existing interests on these lands are protected during the period of the withdrawal. The principles and process for these land withdrawal negotiations were laid out in the Interim Land Withdrawal Protocol.

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ADFN members reside around Great Slave Lake (known to the Akaitcho as Tu Cho) and include the Deninu Kue First Nation (Deninu Kue/Fort Resolution), the Lutsel K'e First Nation and the Yellowknives Dene First Nation (Ndilo and Dettah).

For more information on these Interim Land Withdrawals or the Akaitcho Process, please consult the following media backgrounders:

1.Backgrounder: Akaitcho Process Negotiations

2.Q & A: Akaitcho Interim Land Withdrawal of Commissioner's Lands within the City of Yellowknife

3.Map: Commissioner's Lands for Transfer to the City of Yellowknife

4.Map: Interim Land Withdrawal
The above maps are also available on the following website:
www.maca.gov.nt.ca

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BACKGROUNDER

The Akaitcho Dene First Nations (ADFN), the Government of Canada and the Government of the Northwest Territories (GNWT) are working together to achieve a lands, resources and governance agreement through the Akaitcho Process.

ADFN members reside primarily in the communities around Great Slave Lake (known to the Akaitcho as Tu Cho). This includes the Deninu Kue First Nation (Deninu Kue/Fort Resolution), the Lutsel K'e First Nation (Lutsel K'e) and the Yellowknives Dene First Nation (Ndilo and Dettah). There are also ADFN members located throughout Canada.

The Goal of Negotiations

The parties to the Akaitcho Process recognize that the Dene living in the area made treaty with the Crown on July 25, 1900 at Deninu Kue. The parties do not have a shared understanding of the terms of that treaty and, through the Akaitcho Process are resolving outstanding issues related to lands, resources and governance.

Negotiating this type of agreement is a complex and intensive process that spans several years and involves many interim steps. Through interim measures agreements and negotiations to conclude an Akaitcho Agreement, the parties are working to:

· preserve a land base for the Akaitcho Dene First Nations;
· acknowledge and protect the spiritual and cultural ties the Akaitcho Dene have to the land, water, and animals;
· recognize the ADFN's jurisdiction to protect cultural traditions and language;
· help Akaitcho citizens, especially young people, to enjoy a good quality of life and strong economic prospects in their traditional territory; and,
· regulate development in a sustainable manner so that the Akaitcho traditional territory is a good place to invest and do business today and in the future.

Negotiation Milestones

June 13, 2000: Akaitcho/GNWT Political Accord
A Political Accord is signed by the ADFN and the GNWT. They agree to meet periodically for open and candid discussions to share ideas and information. They also agree to work cooperatively together and to work towards enhancing the co-ordination of activities and communication.

July 25, 2000: Framework Agreement
One hundred years to the day from the making of treaty at Deninu Kue (Fort Resolution), the ADFN, Canada and GNWT sign a Framework Agreement. This agreement establishes the process, items and timetable for the negotiations and lays out the following objectives for an Akaitcho Agreement:

☐ describe the structure, operation, legal status and extent of the ADFN government;
☐ describe the ADFN governments and their relationships to other levels of government;
☐ explain how lands, water and other resources, including wildlife and their habitat, will be used, managed and protected;
☐ contain land and resource provisions that provide for clarity of rights respecting lands and resources; and,
☐ include measures to enhance the capacity of the ADFN to participate fully in the economy.

June 28, 2001: Interim Measures Agreement and Schedules
The Akaitcho Interim Measures Agreement (IMA) is signed by the three parties in Lutsel K'e. It establishes temporary arrangements that clarify the role of the ADFN in resource management decisions in their region while the Akaitcho Process is ongoing. A number of IMA Schedules are later created to describe how the federal and territorial governments, and/or regulatory bodies, will consult the ADFN in decisions that impact their asserted territory in areas such as: Commissioner's Lands, Crown Lands, Forest Management, Land Use Permits, Surface Federal Crown Lands, Territorial Parks, and Water Licences.

September 2001: Start of formal negotiations
Formal negotiations of the Akaitcho Agreement in Principle begin. This is a major step toward an Akaitcho Agreement that will clarify who owns and has rights to lands and resources within Akaitcho Territory and how it will be governed.

November 27, 2002: Akaitcho/Tlicho Boundary Agreement
Akaitcho and Tlicho leaders sign a boundary agreement in Behchokò addressing matters relating to the overlap of their traditional territories. It establishes how they will work together to protect and manage lands, resources and wildlife.

February 23, 2004: Ministerial Direction
The Minister of Indian and Northern Affairs Canada provides written policy direction to the Mackenzie Valley Land and Water Board to further clarify the Akaitcho IMA and provide guidance for its implementation.

November 21, 2005: Interim Land Withdrawal Protocol
An Interim Land Withdrawal Protocol is signed by the negotiators for the three parties. Once identified, the governments of the NWT and Canada will formally ensure that no further land sales, leases or other types of land dispositions take place in the withdrawn areas for a specific period of time. Interim land withdrawals give the parties assurance that areas they may want to include in an Akaitcho Agreement will remain available.

November 2, 2006: Interim Withdrawal of Commissioner's Land in the City of Yellowknife
The ADFN and the GNWT announce they have reached agreement on an interim land withdrawal of 1034 hectares of Commissioner's Land within the City of Yellowknife for a period of five years. This agreement forms part of an out-of-court resolution to a legal action brought by the ADFN against the GNWT and allows the parties to resume Akaitcho Process negotiations.

Current focus of negotiations

The IMA and Interim Land Withdrawals provide a level of comfort for all parties about what activities can and cannot take place in the area under negotiation. They also put clear processes in place to ensure the Akaitcho Dene First Nations are consulted on land, resource wildlife and water related activities as negotiations move forward. This has allowed the parties to focus their efforts on reaching an Agreement in Principle.

Negotiation sessions occur monthly and are based on a workplan that is updated and reviewed annually. The majority of Akaitcho Process negotiation sessions take place in the ADFN traditional territory.

This backgrounder is available on the Internet on:

The Department of Indian Affairs and Northern Development website: www.ainc inac.gc.ca
The NWT Treaty 8 Tribal Corporation website: www.akaitcho.info
The Department of Aboriginal Affairs and Intergovernmental Relations website: http://www.daair.gov.nt.ca/

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Question and Answer

1. What is an interim land withdrawal?

A. An interim land withdrawal protects land from being disposed (for example sold or leased) of while negotiations are ongoing. It is a temporary measure – referred to as "interim" – that allows the parties to focus on reaching an overall agreement with the assurance that the land will be available for selection at a later date. An interim land withdrawal provides comfort that no new interests will be created in the withdrawn land.

2. What's the difference between interim land withdrawal and land selection?

A. An interim land withdrawal is not the same as land selection. Interim land withdrawal is a temporary measure that protects land so that it may be identified for selection at a later stage in negotiations. Land selection, which also occurs through a process of negotiations, results in agreement regarding which lands will be identified as Akaitcho Dene Lands in a completed Akaitcho Agreement. Lastly, an interim land withdrawal does not mean that all the lands withdrawn can or will be selected. Land selection negotiations generally occur closer to an Akaitcho agreement.

3. What is the term (length) of the interim withdrawal of Commissioner's Land?

A. The term of the interim withdrawal is five years, or until an agreement is concluded – whichever happens first.

4. How much land has been withdrawn in the City of Yellowknife for the Akaitcho process?

A. The GNWT will withdraw from disposition, 1034 hectares of Commissioner's Land in the City of Yellowknife, which is approximately 2550 acres.

5. What are "Commissioner's Lands?"

A. Commissioner's Lands are lands that the Government of Canada has transferred to the Commissioner of the Northwest Territories. The Government of the Northwest Territories' Department of Municipal and Community Affairs is responsible for the administration and control of Commissioner's land.

6. Where exactly are the withdrawn lands in the City of Yellowknife?

A. The withdrawn areas include the Ski Club area, a one-hectare parcel in the Capital Site Area for a future ADFN building, two parcels of vacant undeveloped lands west of the airport, and the islands northwest of N'Dilo. These lands are shown on a map forming part of this information package.

7. If the withdrawn land has a third party interest, such as the Ski Club lands, what does that mean for the third party?

A. Existing interests in land are unaffected by interim withdrawal. The GNWT's lease to the City of Yellowknife for the land in the ski club area will be honoured.

8. How will the GNWT protect third party interests on withdrawn land?

A. The GNWT will honor all existing interests on withdrawn lands. The Interim Land Withdrawal Protocol signed by Canada, the GNWT and the ADFN in November 2005 also explicitly states that existing interests in withdrawn lands are not affected by the withdrawal.

9. What does this mean for the Ski Club?

A. The City of Yellowknife sub leases this land to the Ski Club. Changes to this arrangement are between the City and the Ski Club. The GNWT will honour its lease to the City for the ski club land.

10. Who will have municipal authority over withdrawn lands?

A. The City of Yellowknife's authority over land in the City of Yellowknife, including withdrawn lands, is unaffected by this interim land withdrawal

11. Is the interim withdrawal of Commissioner's Lands a matter of public record?

A. Yes. The interim withdrawal of these lands is achieved by an order of the Commissioner of the NWT. These orders are available to the public.

12. How will City residents be kept informed about developments in the Akaitcho Process negotiations?

A. Akaitcho Process negotiations are not open to the public. The Framework Agreement signed by Canada, the ADFN and the GNWT, which guides the negotiating process, commits the parties to holding the details of positions and documents exchanged or developed during negotiations in confidence. However, the Framework Agreement also contemplates public information sessions on the general status, aims, objectives and progress of negotiations.

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